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09/926,384	10/23/2001	Suchiro Mizukawa	110-061	9837

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EXAMINER

PRONE, JASON D

ART UNIT PAPER NUMBER

3724

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,384

Applicant(s)

MIZUKAWA, SUEHIRO

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 6-8 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. On page 23 lines 22 and 23, the phrases "stationary edges 52a" and "stationary edges 52b" are unclear. It is understood that edges 52a and 52b interact with stationary edges 13a, 14a, 15a, and 16a, but it is uncertain how edges 52a and 52b could be considered stationary when they clearly need to be movable edges to interact with the other stationary edges.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-8 and 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In regards to claims 6, 7, 8, and 11, the phrase "a pair of front and rear stationary edges", on line 6 of claims 6 and 11, discloses that the "front" and "rear" directions are

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in the same direction as the feeding of the blade material. Therefore, the phrases "a front movable blade part" and "a rear movable blade part" are unclear. In regards to Figure 1, the front is represented by item "11" with the rear being represented by unseen item "12" while the movable blade parts move perpendicular to the front and rear plane. Therefore, it is unclear how both the "front and rear stationary edges" and the "front and rear movable blade part" can both represent "front and rear" when they are perpendicular to one another.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 6 and 7 are rejected, as best understood, under 35 U.S.C. 102(b) as being anticipated by Cross et al.

Cross et al. discloses the same invention including a stationary blade part having a support face (25) on which the work piece is overlaid (L), a pair of front (30) and rear stationary edges (31) disposed on the support face (Fig. 11) and are positioned to be separated from each other by a gap in a direction of feeding the work piece (Fig. 11), a front movable blade part which is movable in front of the support face in lateral directions (83) which includes a movable edge that cooperates with the front stationary edge of the support face to cut the work piece (32), rear movable blade part which is movable in rear of the support face in lateral directions (27) which includes a movable

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edge that cooperates with the rear stationary edge of the support face to cut the work piece (33), and that each of the stationary edges of the support face and movable edges of the front and rear movable blade parts are a straight edge-cutting edge for linearly forming a cut line over the work piece.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 8 is rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Cross et al. in view of JP 2218509. Cross et al. discloses the invention including stationary and movable edges but fails to disclose that these edges are a miter-cutting edge. JP 2218509 teaches edges with miter-cutting edge (Figs. 5 and 4b). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Cross et al. with a miter-cutting edge, as taught by JP 2218509, to perform an alternate shaped cut.

Allowable Subject Matter

10. Claim 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Response to Arguments

11. Applicant's arguments filed 29 December 2003 have been fully considered but they are not persuasive. The phrase "The edges 52a and 52b are properly understood

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as stationary relative to the other edges of the movable blade part 50", located in paragraph 5 of the remarks section, does not overcome the 35 U.S.C. 112 first paragraph rejection. In order for edges 52a and 52b to be stationary relative to the other edges of the movable blade part, those other edges would have to move while 52a and 52b remained motionless. However, that is not possible because 52a, 52b and the other edges are all part of the movable blade. When the movable blades moves so does 52a, 52b and the other edges. There is not a case where the other edges are capable of moving past/relative to 52a and 52b. The term front and rear cannot represent two different directions. When looking at Figure 3, to call 12 and one of the 50's the front is not clear. On page 22 lines 9-10, the movable blades are labeled as right and left. It is unclear how the movable blades are not labeled as front and rear in the specification but as right and left. The only way that the movable blades could be considered front and rear is if Figure 3 was rotated 90° but then the member 11 and 12 would then be side members. With the terminology used, the Cross et al. patent is not a "stretch" and clearly discloses the invention as claimed. Cross et al. discloses stationary blades and movable blades that are all clearly shown to be place relative to one another along the direction clearly defined by front and rear. Therefore, the rejection is valid and will remain.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 571-272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP
November 19, 2004



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